

**Plaintiffs' Memorandum in Opposition
to Joint Motion for Summary
Judgment for Failure to Prove Fault
Element of Public Nuisance Claims**

**Ex 22 –
CAH_MDL_PRIORPROD_DEA07_0
0968964-968**

Message

From: Mone, Michael [/O=CAH/OU=CARDINAL HEALTH/CN=RECIPIENTS/CN=MICHAEL.MONE]
Sent: 1/7/2008 9:01:23 PM
To: Hartman, Mark [/O=CAH/OU=CARDINAL HEALTH/CN=RECIPIENTS/CN=MARK.HARTMAN]
Subject: Fw: Possible Suspect Pharmacy

Mark this is the basis for the email you just received

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Avergun, Jodi <Jodi.Avergun@cwt.com>
To: Mone, Michael <Michael.Mone@cardinalhealth.com>
CC: Ron.Buzzee@dendrite.com <Ron.Buzzee@dendrite.com>; Paul.Hamby@dendrite.com <Paul.Hamby@dendrite.com>; Cacciatore, Gary <Gary.Cacciatore@cardinalhealth.com>; jfokas@bakerlaw.com <jfokas@bakerlaw.com>; jcarney@bakerlaw.com <jcarney@bakerlaw.com>; Goldsand, Corey <Corey.Goldsand@cardinalhealth.com>; Falk, Steve <Steve.Falk@cardinalhealth.com>
Sent: Mon Jan 07 15:41:50 2008
Subject: RE: Possible Suspect Pharmacy

My advice is to put this customer on a list that prevents it from getting controlled substances from Cardinal Health since you KNOW it is an illegal Internet pharmacy. And if you KNOW of any other customers that are illegal internet pharmacies, you have an obligation to prevent them from getting controlled substances as well. You need some sort of do not sell or do not ship list if there are customers like this. I am not advising you on shipping other drugs at the moment. One thing at a time. We can talk about public health policy and what the company wants to do about that at a later date.

-----Original Message-----

From: Mone, Michael [mailto:Michael.Mone@cardinalhealth.com]
Sent: Monday, January 07, 2008 3:37 PM
To: Avergun, Jodi
Cc: Ron.Buzzee@dendrite.com; Paul.Hamby@dendrite.com; Cacciatore, Gary; jfokas@bakerlaw.com; jcarney@bakerlaw.com; Goldsand, Corey; Falk, Steve
Subject: Re: Possible Suspect Pharmacy

Jodi, I do agree that from a purely analytical reasoning pov there is no distinction, however when one looks at the regulatory jurisdiction of DEA the internet sales of non controlled substances is outside their jurisdiction

While I was not present when the decision on this account was made, I understand their reasoning at that time. This pharmacy is located in a jurisdiction where the official government policy is to encourage its citizens to obtain their drugs from Canada.

Now, notwithstanding the above if it is your expert opinion that we not sell any medicinal drugs to any customer who is engaged in the dispensing of drugs pursuant to internet prescriptions, I would concur.

My reasoning to support such a decision is based on the potential public health consequences associated with such dispensing as antidepressants and their association with teenage suicides.

Please let me know at your earliest your advice so that we can implement a procedure to address this account and any others that may be engaged solely in internet dispensing of non controlled. Substances

Michael

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Avergun, Jodi <Jodi.Avergun@cwt.com>
To: Mone, Michael <Michael.Mone@cardinalhealth.com>
CC: Buzzee, Ron <Ron.Buzzee@dendrite.com>; Hamby, Paul

<Paul.Hamby@dendrite.com>; Cacciatore, Gary
<Gary.Cacciatore@cardinalhealth.com>; Fokas, Jimmy
<jfokas@bakerlaw.com>; jcarney@bakerlaw.com <jcarney@bakerlaw.com>;
Goldsand, Corey <Corey.Goldsand@cardinalhealth.com>; Falk, Steve
<Steve.Falk@cardinalhealth.com>
Sent: Mon Jan 07 13:56:41 2008
Subject: RE: Possible Suspect Pharmacy

Michael -- FYI --I dont think that the law distinguishes between controlled and non-controlled substances for the purposes of determining whether a prescription is the product of a legitimate doctor patient relationship, . So ... here, you have an Inet Pharmacy, the account is open, and Cardinal does not yet have a system for detecting all suspicious orders. Do you know whether this pharmacy still has never ordered controlled substances? And will not do so? At a minimum, very, very, minimum, this account must be placed on a list that prevents all of Cardinal's ordering systems from accepting orders for controlleds from this customer. And the PBC, his manager, the warehouse head and the compliance lead must be told that they all have a responsibility to ensure that this customer is not getting controlleds from Cardinal. Please get back to us ASAP on this.

From: Mone, Michael [mailto:Michael.Mone@cardinalhealth.com]
Sent: Monday, January 07, 2008 1:14 PM
To: Lowry, Leslie
Cc: Buzzeo, Ron; Hamby, Paul; Avergun, Jodi; Cacciatore, Gary
Subject: RE: Possible Suspect Pharmacy

Leslie:

I did some research on this account and I discovered that in the past through the prior anti-diversion process that this account was discovered to be dispensing prescription medication via the Internet, however no controlled substances were involved. Consequently, since the state's requirements for physician patient relationship is not as specific with regard to a physical examination, this account was not closed.

Michael

From: Lowry, Leslie [mailto:Leslie.Lowry@dendrite.com]
Sent: Monday, January 07, 2008 9:13 AM
To: Mone, Michael
Cc: Buzzeo, Ron; Hamby, Paul
Subject: FW: Possible Suspect Pharmacy

Michael:

Take a look at the e-mails below. Would you like to add this location to the assignment list? If so, please provide me with the necessary information.

Thank you-

Leslie Lowry

From: Buzzeeo, Ron
Sent: Sunday, January 06, 2008 1:49 PM
To: Hamby, Paul; Lowry, Leslie
Subject: FW: Possible Suspect Pharmacy

Paul/Leslie

Has this pharmacy been assigned?

Ron

Ronald W. Buzzeeo, RPh / Chief Regulatory Officer / Compliance Solutions
Powered by BuzzeeoPDMA / Cegedim Dendrite / Richmond, VA, 23225
Tel: 804-230-5002 / Fax: 804-267-1746 / Cell: 804-363-2071 / email:
Ron.Buzzeeo <mailto:Ron.Buzzeeo@dendrite.com> @dendrite.com

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From: Fokas, Jimmy [mailto:jfokas@bakerlaw.com]
Sent: Thu 1/3/2008 7:05 PM
To: Buzzeeo, Ron
Cc: Avergun, Jodi; Carney, John J.; corey.goldsand@cardinal.com
Subject: Possible Suspect Pharmacy

Ron: In reviewing some Cardinal emails, this pharmacy was identified by the Hudson, WI DC as an internet pharmacy in October 2007. It apparently was flagged for investigation by Brantley. Can you confirm whether Brantley or Dendrite have investigated the pharmacy since October 2007. If it hasn't been reviewed it should be added to the list and reviewed immediately. Thanks.

Ross Westbank Pharmacy - Minneapolis, MN

Jimmy Fokas
Baker Hostetler
45 Rockefeller Plaza
New York, NY 10111
Direct Dial: 212-589-4272

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Svenska: www.cardinalhealth.com/legal/email

"EMF <CWT.COM>" made the following annotations.

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